

**MINUTES OF THE ZONING BOARD  
PUBLIC HEARING & REGULAR MEETING,  
THURSDAY, SEPTEMBER 10, 2015, AT 7:00 P.M.,  
ON THE 4<sup>th</sup> FLOOR, CAFETERIA, GOVERNMENT  
CENTER BLDG, 888 WASHINGTON BLVD.,  
STAMFORD, CT**

Present for the Board: Thomas Mills (Chair), Barry Michelson (Secretary), Rosanne McManus, William Morris, David Stein and Joanna Gwozdzowski (arriving at 7:20pm). Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:08 pm. Chairman Mills announced that the Board needed to go into Executive Session to discuss pending litigation with Kathy Emmett and Jim Minor of the City's Law Department.

A motion was made by Mr. Stein and seconded by Ms. McManus to go into executive session to discuss pending litigation with the Law Department. The motion was approved 4:1 (Mills, McManus, Morris and Stein in favor, Michelson opposed). Board members and Kathy Emmett and Jim Minor moved to the Democratic Caucus Room at 7:12pm and were joined by Ms. Gwozdzowski when she arrived at 7:20pm.

Mr. Mills reconvened the regular meeting at 8:03pm.

**REGULAR MEETING**

**PENDING APPLICATIONS:**

1. **Application 215-11 – STAMFORD ZONING BOARD**, Text change

Chairman Mills read the description of this item into the record.

An email from Police Chief Jon Fontneau was distributed to the Board members. Chief Fontneau had sent narcotic officers out to perform surveillance at the location of all existing medical marijuana facilities in the State, and he reported that the establishments were discreet, did not draw crowds and there were no indications of the type of industry from the exterior.

Ms. McManus commented that the Police Chief's memo did not raise negative issues. She feels the biggest question will be the location for these facilities.

Mr. Morris agreed with Ms. McManus' comment. He is concerned about the location of these facilities and questioned whether they should be allowed in the M-G and M-L Districts.

Mr. Michelson stated he would prefer to see these uses in the Hospital District. He also wasn't certain they should be permitted in the commercial districts.

Mr. Stein stated that he would like to see the Board adopt the regulation as proposed. He agreed that location would be the primary issue and he felt that the Special Exception approval would be the best way to control location.

Ms. Gwozdzowski stated she was comfortable with the language as proposed.

Mr. Mills asked if the Board wanted to allow dispensaries and production facilities. The Board agreed by consensus that the regulation should permit only dispensaries for now.

Mr. Morris asked if Special Exception approval would give the Board sufficient control over the location of dispensaries. Could the Board deny a location? Mr. Cole read excerpts from Section 19 of the regulations and highlighted some of the conditions a use would need to satisfy such as neighborhood compatibility. Mr. Cole stated that Special Exception approval should enable the Board to approve or deny certain locations. Mr. Morris was satisfied with this response.

Ms. McManus suggested the distance between dispensaries be increased from a 1,500 foot radius to a 3,000 foot radius.

After discussing this further, the Board was ready to act on this application.

A motion was made by Mr. Stein to approve application 215-11 with the following modifications: a) the regulation would allow for dispensaries only and they would be permitted in all of the districts that were advertised and b) the distance requirement between dispensaries would be increased from a 1,500 foot radius to a 3,000 foot radius. Seconded by Ms. McManus and the motion was approved 4:1 (Mills, McManus, Morris and Stein in favor, Michelson opposed). The text will now read:

*Amend Article III, Section 7-U and to amend Appendix A, Table II of the Stamford Zoning Regulations, to establish the local regulatory framework for the palliative use of marijuana pursuant to Chapter 420f of the Connecticut General Statutes. The approved language will read as follows:*

**Amendment to Article III, Section 7-U.**

**U - Medical Marijuana Dispensaries**

**Purpose:** *The Zoning Board acknowledges the enactment of Public Act #12-55 and adoption of regulations concerning the “Palliative Use of Marijuana”. This Public Act and the associated regulations establish the local regulatory framework for the palliative use of marijuana pursuant to Chapter 420f of the Connecticut General Statutes. It helps to guide the appropriate location and operation of Medical Marijuana Dispensaries (“Dispensaries”) in the City of Stamford. The purpose of this Section U is to minimize the impact of Dispensaries on neighbors, while at the same time recognizing the essential services these Dispensaries will provide to the citizens of Stamford.*

**Standards:**

*Medical Marijuana Dispensaries are allowed by Special Exception approval of the Zoning Board only within certain commercial and manufacturing Zoning Districts of the City of Stamford, as shown in Appendix A, Table II of these Regulations. Such uses must comply with the requirements of the Zoning Regulations and meet the following additional standards:*

1. *Medical Marijuana Dispensaries must possess a current license from the State of Connecticut Department of Consumer Protection and comply with the*

*Regulations of the State of Connecticut Department of Consumer Protection Concerning the Palliative Use of Marijuana, per the Connecticut General Statutes, Section 21a-408-1 to 21a-408-70, inclusive, as may be amended from time to time. Failure to maintain proper licenses shall be deemed an immediate violation of the City of Stamford Zoning Regulations.*

2. *No Medical Marijuana Dispensaries shall be located within a 3,000 feet radius of any other Dispensary;*
3. *Signage for Dispensaries must comply with the following standards:*
  - a. *Signage shall be limited to a single sign no larger than sixteen inches in height by eighteen inches in width;*
  - b. *There shall be no illumination of a sign advertising a marijuana product at any time;*
  - c. *There shall be no signage that advertises marijuana brand names or utilizes graphics related to marijuana or paraphernalia on the exterior of the Dispensary or the building in which the Dispensary is located;*
  - d. *There shall be no display of marijuana or paraphernalia within the Dispensary which is clearly visible from the exterior of the Dispensary; and*
  - e. *There shall be no signage which advertises the price of its marijuana.*
4. *Parking shall be provided according to Section 12 of the Zoning Regulations, as follows:*
  - a. *A Dispensary shall meet the parking standard for Retail Store.*

**Amendment to Appendix A, Table II (Permitted Uses in Commercial and Industrial Districts)**

*Add Line #133.1, Medical Marijuana Dispensary Facility (67.1) and insert the letter “B” under the C-N, C-B, C-L, C-I, M-L and M-G Zoning Districts to indicate this use is permitted by Special Exception approval of the Zoning Board. For the C-N District only, place an asterisk and footnote stating “This use is expressly not permitted in other Districts that allow uses allowed in the C-N District.”*

2. **Application 215-19 – 432 FAIRFIELD AVENUE, LLC, 432 Fairfield Avenue**, Special Exception, Final Site & Architectural Plans and Coastal Site Plan Review

Chairman Mills read the description of this item into the record.

Mr. Killeen distributed a revised set of conditions, noting that Staff continued to work with the applicant this week to strengthen the application and the proposed conditions of approval. Changes were especially made to place controls over the eastern end of the property for which the Zoning Board was given no plans as part of this application. There was an interest in responding to concerns that had been raised by the residents and property owners in this area during the public hearing.

Mr. Cole referred to a site plan for the subject property showing the eastern and western portions of the property.

Mr. Stein suggested that Condition #10 be modified to clarify that only uses stated in the approval would be allowed for that portion of the property. He also suggested a change in the language of 10.a. so that no storage of disabled vehicles was permitted.

Mr. Morris suggested that the reference in Condition #10c should be ground water instead of “ground our”.

Mr. Michelson suggested that Condition 10.e more clearly link the 15 parking spaces to 49 Liberty Place. Board Members asked if they could require more than 15 parking spaces. Ms. McManus noted that much of the on-street parking problems related to the adjacent use at 49 Liberty Place. Mr. Morris stated that he had asked the owner during the public hearing how many additional spaces they could provide and the owner was willing to increase the number from 10 to 15. The Board agreed they could not require additional employee spaces now.

Mr. Mills asked if the height of the evergreen trees in Condition #10.d should be specified. After reviewing the record it was decided that the trees should be a minimum of eight (8) feet.

A motion was made by Mr. Morris to approve application 215-19 with conditions discussed. Seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein in favor). The conditions will read as follows:

**Site Specific Conditions**

1. *All work shall substantially conform to the above referenced Building and Site Plans unless otherwise approved by the Zoning Board or, for minor modifications, Zoning Board staff. Any changes to the amount of floor area within the proposed building to be used for office, retail, manufacturing, or other as-of-right permitted uses shall be reviewed by Zoning Board staff or Zoning Enforcement to confirm site compliance with associated parking requirements.*
2. *Prior to a Certificate of Occupancy Owner/Applicant shall provide the following easements to the City of Stamford:*
  - a. *Street Widening Easement for proposed widening of Fairfield Avenue along the property frontage, as shown on the approved site plans.*
  - b. *Public Access Easement for proposed sidewalks along site frontage on Fairfield Avenue and Liberty Place as shown on the approved site plans.*
  - c. *A 5' wide Public Access Easement for potential future sidewalks along the site frontage on Liberty Place east of the proposed new property line bisecting the existing parcel.*
3. *Prior to a Certificate of Occupancy applicant shall construct sidewalks, wholly and partially on Applicant's property along Fairfield Avenue and along Liberty Place west of the proposed new property line bisecting the existing parcel, as shown on the approved site plans.*
4. *Prior to a Certificate of Occupancy applicant shall install two painted crosswalks at*

*the intersection of Fairfield Avenue and Liberty Place and update the two (2) existing speed bumps on Liberty Place to comply with current City of Stamford design specifications.*

- 5. Prior to issuance of a Building Permit, applicant shall submit a final lighting plan, including specifications for all proposed lighting fixtures with a photometric analysis, subject to approval of the Zoning Board staff. Said lighting plan shall take into account that lighting along Liberty Place should be designed to respect the nearby residential uses. All lighting shall be designed to avoid light spillage onto neighboring properties.*
- 6. Prior to the issuance of a Building Permit, applicant shall submit a tenant signage plan for the proposed building, subject to approval of Zoning Board staff. Said signage package shall emphasize the Fairfield Avenue frontage.*
- 7. The lower level parking garage shall contain one standard loading space.*
- 8. The driveway opening and turning radius from the lower level garage accessing the northerly exit ramp shall be large enough to accommodate the movements of an SU-30 truck.*
- 9. Regular hours of operation shall be between 5AM and 9PM on weekdays and between 8AM and 6PM on weekends for the proposed facility west of the proposed property line.*
- 10. Unless otherwise authorized administratively by the Zoning Board, the area of the property east of the proposed lot line may continue to be used only for vehicle and container storage, including cars, trucks, construction and landscaping vehicles and equipment, trailers, and boats, provided that:*
  - a. No storage of disabled vehicles outdoors is permitted. No sorting or recycling is permitted. No storage of demolition or construction material is permitted.*
  - b. The first fifty (50) feet from the front property line on Liberty Place will be restricted to vehicular parking only.*
  - c. All trucks, containers, and other equipment stored outdoors on the site shall be clean, empty, and free of trash and recyclables. Any such containers shall not be stacked more than two (2) containers high and may be located no closer than fifty (50) feet to the front property line. Any required washing of vehicles shall be conducted by a permitted operation and in a manner consistent with CT DEEP regulations to prevent untreated vehicle wastewater runoff from entering the ground water drainage system.*
  - d. The front setback area shall be improved with not less than twenty (20) evergreen trees at least eight (8) feet in height, as noted on the landscaping plan, and an 8' tall chain link fence with "green screen" material to be located behind the tree line.*
  - e. A parking area for fifteen (15) vehicles of employees of 49 Liberty Place, as noted on the approved site plans, shall be maintained on the eastern side of the proposed lot line. Such area shall be properly signed as parking for*

*employees of 49 Liberty Place only and may be relocated from time to time provided that clear access to and from Liberty Place and/or the adjacent property to the east is maintained.*

*f. All trucks shall exit via the proposed ramp driveway onto Fairfield Avenue*

- 11. The area of the property east of the proposed lot line shall be granted a perpetual right of way to access Fairfield Avenue via the proposed ramp driveway. Any required easements shall be recorded prior to a Certificate of Occupancy.*
- 12. Use of the eastern portion of the property is approved by Special Exception pursuant to Section 7.5 and future changes or use of the property are subject to Zoning Board approval.*

### **Standard Conditions**

- 13. Applicant shall make best efforts to keep the property in good condition up until and during the construction process. Existing lawn areas shall be mowed and maintained, and construction debris shall be kept to a reasonable minimum.*
- 14. Prior to the issuance of a Building Permit, the Applicant shall submit final site and architectural plans, landscaping and streetscape plans, including specifications for exterior architectural designs, materials, samples and colors, for final approval by Zoning Board staff, to ensure consistency with the approved plans, architectural elevations, and illustrative renderings constituting the record of the application.*
- 15. No significant mechanical equipment, in addition to that depicted on the building and site plans, shall be installed within view of any public street without prior approval of the Zoning Board staff.*
- 16. A Street Opening Permit shall be required for any work within a public street right-of-way.*
- 17. Prior to the issuance of a Building Permit, the Applicant shall submit a Construction Staging and Management Plan to ensure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of the Land Use Bureau Chief or his designee. Such Construction Management Plan shall address, but not be limited to, reasonable restrictions on times when deliveries can be made to the job site, measures to control dust, staging areas for materials and construction worker parking as well as temporary measures requiring the timely removal of construction debris and/or litter from the jobsite and provide for.*
- 18. Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to review by the Environmental Protection Board staff.*
- 19. Prior to issuance of a Certificate of Occupancy, the Applicant shall execute and file a Drainage Maintenance Agreement and Landscape Maintenance Agreement, subject to approval by the Environmental Protection Board staff.*
- 20. Prior to issuance of a Certificate of **Occupancy**, the Applicant shall submit a Trash*

*Management Plan, subject to the review of the Zoning Board staff.*

21. *Prior to the issuance of a Building Permit for the proposed structure, Applicant shall submit a Performance Bond, or other acceptable surety, to ensure completion of all required landscaping, streetscape improvements, and sedimentation and erosion controls, in an amount equal to the estimated cost of said improvements, subject to the approval of Director of Legal Affairs as to form and subject to approval of amount by the Zoning Board staff.*
22. *The Applicant shall have one year from the effective date of this approval within which to secure a Building Permit, subject to Zoning Board approval of three extensions, each not more than one year, upon timely application and good cause shown.*

**3. Application 213-38 – Final Site & Architectural Plan and Coastal Site Plan Review (CSPR), WALTER WHEELER DRIVE SPE, LLC and THE STRAND/BRC GROUP, LLC, Final Site and Architectural Plans and Coastal Site Plan Review**

Mr. Mills reported that the Board had gone into executive session earlier in the meeting to discuss the status of pending litigation and its potential impact on the Board's hearing of this application. Attorney Minor and Attorney Emmett participated in that session on behalf of the City's Law Department. Attorney Minor reported that he had circulated a preliminary opinion to the Board concerning the Board's authority to consider this application in view of the pending litigation related to a cease-and-desist order against the South-End 14-Acre Parcel. Attorney Minor stated that he was going to submit to the Board a revised opinion with a change to the section of the opinion dealing with City liability protection of individual Board Members.

The Board asked about Draft Condition #3 concerning BMR units for this property.

Mr. Killeen explained that BLT was required to provide additional BMR units that were not provided in the S3 approval. Those units are included with the proposed conditions for the approval of C-8.

Mr. Michelson stated that he had not seen a report from Director of Operations, Ernie Orgera, that he thought had been requested during the public hearing concerning the excessive on-street parking in this area and especially in the Harbor Point area. Mr. Cole reported that he was surprised to learn recently that the majority of cars parked along Walter Wheeler Drive were commuters using the train station.

Mr. Michelson stated that he wanted a report on who owns the cars parked along the street and how we can address the problem.

Mr. Cole stated that he was working with Mr. Orgera and representatives of BLT to come up with a system of on-street signage that would limit parking to no more than two hours. This would prevent all day and overnight parking.

Mr. Michelson said he was interested in knowing how many of these vehicles were owned by occupants of BLT buildings. Mr. Stein questioned whether the City could

obtain that information. After some discussion, Mr. Stein suggested the Board set a deadline of September 21 for this input from the Director of Operations.

The Board then reviewed the revisions to the building plans prepared by EDI International, PC dated 8/11/15. Due to the variation in the color of the “original” and “modified” versions of the plan, the Board had difficulty in determining whether exterior materials had changed. Mr. Killeen stated that it appeared the elevations were revised to reduce the amount of EFIS on the first floor and replace it with brick. The Board examined each elevation submitted by the Applicant and felt more information was required.

The minutes of the July 27 meeting stated that the Board requested an “enlarged rendering”. The submitted revisions were too small a scale to consider. After further discussion, the Board agreed to keep this item tabled pending 1) submission of the updated legal opinion from Attorney Minor, 2) submission of a response from the Director of Operations concerning the parking problems along the streets in this area and 3) submission of enlarged plans to show a revised treatment of the first floor elevations submitted on presentation boards.

The Board continued discussion of this application to the next meeting.

4. **CSPR-982 – MARCIA FERNANDEZ & DANIEL GOODMAN, 4 Cambridge Road,** construction of a one-story kitchen addition of approximately 200 s.f., removal of an existing deck and construction of a new 26.5’ deck and an open front porch with site improvements on 0.2 acres in an R-7-1/2 zone within the CAM boundary.

Mr. Killeen gave a brief description of this application and referred to the staff report prepared by the EPB staff. He stated that this was an addition to an existing house in the 100-year flood plain plus a replacement deck and a new patio. The Staff report confirmed that the Applicant provided cost estimates demonstrating the improvements were less than 50% of the value of the existing structure so they are not required to elevate the structure. The Staff report noted that the existing landscaping plan needed to be enhanced and suggested that be one of the conditions of approval.

Ms. McManus stated for the record that she feels the extensive plans required with this application must have been very costly in relation to the modest amount of construction proposed.

After further discussion, Mr. Morris made a motion to approve CSPR-982 with conditions of approval contained in the EPB staff report from Pamela Fausty dated August 28, 2015, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein in favor). The conditions will read as follows:

1. *Work shall comply with the following plans and correspondence:*

- *“Stormwater Management and E&S Control Plan,” 4 Cambridge Road, Stamford, CT, prepared by TJ Engineering, dated March 2, 2015, revised June 25, 2015.*
- *“Zoning Location Survey,” Prepared for Marcia Fernandez & Daniel Goodman, 4*



*Cambridge Road, Stamford, Connecticut, prepared by Advanced Surveying, dated April 13, 2014, revised January 5, 2015.*

- *“Plot Plan and Zoning Map General Notes,” “Existing First & Second Floor Plan, Proposed First Floor Plan, Foundation Plan,” “Elevations,” “Section A-A Plumbing Notes, Plumbing Riser Diagram Details,” Sheets A-1 – A-4, 4 Cambridge Road, Stamford, CT, prepared by Peter Klein, Associates, Inc., dated September 21, 2014, revised July 21, 2015.*
  - *“Landscaping Plan,” 4 Cambridge Road, Stamford, CT, dated July 10, 2015.*
  - *Correspondence from Peter Klein, Associates, Inc. (Klein to City of Stamford, July 27, 2015).*
  - *Correspondence from TJ Engineering, Associates, Inc. (Jucaite to Fausty, August 31, 2015).*
2. *Submission of a revised planting plan to EPB staff for review and approval. The plan shall be prepared by a landscape professional and shall indicate the name, size, type, and location of all plant material.*
  3. *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls, landscaping, and professional supervision/certification. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the start of any site activity and issuance of a building permit.*
  4. *Upon the completion of the construction, submission of a final as-built plan in the form of an “Improvement Location Survey” is required, and a Connecticut registered professional Engineer shall submit written correspondence certifying (signed and sealed) that the walls, grading and final stabilization measures have been fully and properly completed per the approved plans and permit.*
  5. *All landscaping shall be installed under the supervision of a qualified landscaping professional with written certification submitted to EPB Staff prior to the issuance of a final certificate of occupancy and release of the performance surety.*
  6. *Upon the completion of construction, and prior to the issuance of a Certificate of Occupancy, a Connecticut registered professional engineer or architect shall submit a written statement, signed and sealed, certifying that he/she has inspected the completed construction and that the deck has been constructed to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, as specified in the issued permit and in accordance with the provisions of Section 7.1 of the Zoning Regulations.*
  7. *Upon completion of construction and prior to the issuance of a certificate of occupancy and return of surety, a Connecticut land surveyor shall complete a standard “National Flood Insurance Program Elevation Certificate.”*

8. *Submittal of a flood preparedness plan.*
9. *Work is to conform to the referenced plans with an affidavit of the actual final costs of improvements provided to staff prior to the issuance of a Certificate of Occupancy.*
10. *Prior to the receipt of a final certificate of occupancy, the applicant shall file a standard notice on the Stamford Land Records disclosing the following information:*
  - *The Subject property lies, in part, within known flood hazard areas described as Zone AE, Elevation 14 feet NAVD-88, as depicted on Flood Insurance Rate Map 09001C0517G, dated July 8, 2013.*
  - *A Permit (4 Cambridge Road, CSPR-982, 9/15) has been issued by the Zoning Board of the City of Stamford to allow additions and the installation of drainage and other related improvements on a property that supports the coastal resources identified as "Coastal Flood Hazard Areas."*
  - *Acknowledge the existence of the final "Flood Preparedness Plan."*

### **REGULAR MEETING**

#### **Minutes for Approval: July 13, 2015**

Present for this Meeting were Thomas Mills, Barry Michelson, William Morris and David Stein. A motion was made by Mr. Morris to approve these minutes with the noted corrections on pages 1, 2 and 3, seconded by Mr. Michelson and the motion carried 4 to 0 (Mills, Michelson, Morris and Stein in favor).

#### **Minutes for Approval: July 20, 2015**

Present for this Meeting were Thomas Mills, Rosanne McManus, Barry Michelson, David Stein, William Morris and Joanna Gwozdzowski. A motion was made by Ms. McManus to approve these minutes with the noted corrections on pages 6, 7, 9 and 12, seconded by Mr. Morris and the motion carried 5 to 0 (Mills, Michelson, Morris, McManus and Stein in favor).

#### **Minutes for Approval: July 27, 2015**

Mr. Michelson said that he thought he had asked Staff to obtain a report from the Director of Operations on the parking problems on streets in the South-End Redevelopment area, and this request didn't show up in the minutes describing the public hearing on Application 213-38, the C-8 Block. After some discussion by the Board, it was decided that the Board would not act on the proposed minutes until Staff listened to the tapes again.

### **OLD BUSINESS**

1. **Application 212-23 Revised – TEN RUGBY STREET, LLC**, Text change (*request for discussion of Stipulated Judgement*).

Attorney Jim Minor had been present at the July 27 Zoning Board meeting and discussed the applicant's request to submit a new text change application and Special Exception application, during which time the applicant would voluntarily agree to limit the scope of their activities onsite, based on an outline that had been provided to the Board in July.

Mr. Cole reported that the Applicant has voluntarily ceased crushing operations onsite since July.

Mr. Redniss discussed this request. He noted that the new owners of Pitney Bowes were willing to work with Mr. Vitti and the South-End NRZ to come up with a solution to this issue. He stated there are now more opportunities for achieving a good solution and cleaning this area up. The Applicant is just asking for the opportunity to come back with a new application and have it considered in a reasonable timeframe. Text change and site plan applications could be simultaneous. Based on questioning from the Board, Mr. Redniss stated this would be a different text change and a different site plan/special exception application.

Mr. Morris asked if the Applicant would be willing to limit the use of the crusher to 5 days a month if the Zoning Board agreed to accept a new application. Mr. Redniss replied yes.

Mr. Michelson stated he was opposed to allowing a new plan to be submitted without knowing whether there was a substantial change in the plan.

Attorney Minor was present for this discussion. He stated that he thought this was a good approach to have the owner voluntarily limit crushing while developing a new plan and involving the NRZ. He stated that a stipulated judgement would be developed after the new application is submitted.

Mr. Stein asked if the Board would see the stipulated judgement before the site plan is approved. Attorney Minor said yes.

By consensus, the Board agreed to allow the Applicant to submit a new application for text change and site plan approval. Mr. Michelson was opposed.

2. **Application 211-10 - SG STAMFORD, LLC, 75 Tresser Blvd.** - Mixed-use development comprised of a five-story building totaling 344 residential units, of which 5,120 +/- square feet of ground-floor flex space may be used for retail or commercial uses or a combined live/work component; and a two-level structured parking garage, for a 3.3 +/- acre site (*request for sign approval per Condition #18*).

Mr. Killeen explained that one of the conditions of approval for this project was that signage match the signage shown in the renderings presented during the public hearing. Webster Bank is now seeking approval of a modified sign. Instead of locating the signs above each storefront, the owners want to now place black awnings over each window. The bank's sign would be located as a wall sign in a directory-type sign.

After some discussion, the Board agreed the awnings would be an enhancement to this side of the building and was prepared to act on this request.

A motion was made by Ms. McManus to approve the sign for 75 Tresser Blvd based on drawings submitted at the meeting, seconded by Mr. Stein and the motion carried 5 to 0 (Mills, Michelson, Morris, McManus and Stein in favor).

3. **Application 88-012 – Thomas K. Standish:** Greyrock Plaza – 127 Greyrock Place and 177 Broad Street (*request to terminate public access to the plaza*).

Mr. Killeen reported that this item was going to be held over to the September 21, 2015 meeting.

Mr. Killeen asked if the Board would waive the rules to add an Item # 4 under Old Business and a motion was made to add the following item to the agenda.

4. **Application 214-16 – THIRD STREET DEVELOPMENT, LLC., Final Site & Architectural Plans and Special Exception,** requesting approval to construct four 4-story buildings totaling 11,055 sf building area consisting of 23 residential units with associated parking and site improvements for property located at 16, 20 & 24 Third Street and 53 Fourth Street in an RMF District with 1,949 sf of open space. Special Exception request for BMR bonus density and BMR fee-in-lieu payment.

Mr. Killeen explained the proposal of Mr. Heffernan to meet the “fee-in-lieu” requirement for .6 of a BMR unit by providing a portion of one of the built units on Liberty Place to meet this requirement. Mr. Killeen stated that these were 3-bedroom units.

The Board reviewed the letter from Jamie Heffernan on behalf of the Third Street Development, LLC and discussed the alternate proposal for satisfaction of a BMR Fee-In-Lieu payment for the Third Street Development.

A motion was made by Mr. Morris to approve the Applicant’s proposal to meet the fee-in-lieu requirements for this development by dedicating a portion of a built unit at Liberty Place, seconded by Ms. McManus and the motion carried 5 to 0 (Mills, Michelson, Morris, McManus and Stein in favor).

## **NEW BUSINESS**

Status Report on Strand v. ZBA Boatyard Court Case and Boatyard Consultant Contract

Mr. Cole summarized the status of progress on the consultant reports related to these applications, noting that the Applicant’s final market study from Integra Realty Resources was received on September 3, 2015. He expects to receive a draft of the City’s consultant report (Marine Tec) by the end of this week. Once received, hopefully by next week, Mr. Cole would circulate it to the Board Members and other interested parties.

Mr. Michelson asked if the comments of Board Members and other Boards have been forwarded to the Consultant. Mr. Cole stated that he has forwarded pertinent comments to the consultant as they have come in, but he realizes we are under a tight timeframe so he has been cautious not to overwhelm the consultant with excessive input to manage the consultant process effectively. Mr.

Cole has reviewed and selected out comments that are specifically directed towards the items contained in the Consultant's scope of work.

**ADJOURNMENT**

There being no further business, motion was made to adjourn the meeting at 10:50pm by Ms. McManus, seconded by Mr. Morris and the motion carried 5-0.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board